



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/079,648	05/15/98	WHITEMARSH	S 29480.021

ROZSA & CHEN
15910 VENTURA BOULEVARD
SUITE 1601
ENCINO CA 91436-2815

LM02/0830

EXAMINER

SWANN III, G

ART UNIT PAPER NUMBER

2736

3

DATE MAILED:

08/30/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/079,648

Applicant(s)
Whitemarsh

Examiner
Glen R. Swann III

Group Art Unit
2736



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-34 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-34 is/are rejected.

☒ Claim(s) 2, 3, 10, 12, 13, and 20-34 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2736

1. Claims 5-35 have been renumbered as claims 4-34, since no claim 4 was presented.
- ⁱⁿ2. Claim 1 recites the limitation "said unsafe level" in line 11. There is insufficient antecedent basis for this limitation in the claim. Perhaps "in said" should read --at an--. Claims 2-19 depend from claim 1.
- ⁱⁿ3. Claims 6, 7 & 20-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 2 of claims 6 & 7, --device operating-- should be inserted following "reflection" since the sensing means is not the *reflection* per se, but a device producing such a reflection. In claim 20, lines 13-14, "such that said infrared beam is uninterrupted" is not clear -- it reads as if the reflector insures that the beam is uninterrupted. It is felt "such that" should read --when--. In line 15, "determining" should read --monitoring-- and in lines 18-19, "determining" should read --detecting-- as more accurately reflecting the function of these devices. In line 20, "output" should read --unsafe output-- to provide clear antecedent basis for the language of line 23. Claims 21-27 depend from claim 20. In claim 22, line 2, "is located relative to said limit switch" is not clear as *any* location of the cam could be thus described. It is felt "is located" should read --rotates-- and in lines 2-3, "and rotates" should read --in synchronism-- for greater clarity. In claim 28, lines 14, 21, & 28 "indication" should read --monitoring-- as more

Art Unit: 2736

accurately reflecting the function of this device. In lines 18-20, "such that said infrared beam is uninterrupted" is not clear -- it reads as if the reflector insures that the beam is uninterrupted. It is felt "such that" should read --when--. In line 23, it is felt "is located" should read --rotates-- and "and rotates" should read --in synchronism-- for greater clarity as noted above with respect to claim 22. In line 34, it seems "that" should read --when-- for greater precision. Claims 29-34 depend from claim 28.


4.

Claims 2, 3, 10, 12, 13, & 20-34 are objected to because of the following informalities: In claim 2, line 2, "where" should read --wherein--. Claim 3 depends from claim 2 and therefore shares in this objection. In claim 10, line 2, --a-- should be inserted after "comprises." In line 3 of claims 12 & 13, "in" should read --at--. In claim 20, line 12, "where" should read --whereby--. In lines 24 & 27, "in" should read --at--. Claims 21-27 depend from claim 20. In claim 28, lines 12, 26, 35, & 38, "in" should read --at--. In line 17, "where" should read --whereby--. In line 24, "wherein" should read --whereby--. Claims 29-34 depend from claim 28. Appropriate correction is required.

Art Unit: 2736

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the alternative sensing means of claims 4-10 and the system which stops transmitting the platform output signal when the platform is at an unsafe level of claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The first sentence of the abstract should be deleted as repeating information from the title. In line 2, "the lift" should read --a conventional lift--.

Art Unit: 2736

7. The disclosure is objected to because of the following informalities: On page 1, the numbers "1." (line 15) and "2." (line 21) should be deleted. On page 7, line 2, --(Fig. 5)-- should be inserted after "20." On line 7, "that" should read --if--. On line 10, "informs" should read --inform--. On line 16, "that would indicate" should read --else--. In line 22 (both instances), --device-- should be inserted after "reflection." On page 8, line 8, "to generate" should be deleted and --is generated-- should be inserted after "signal." In line 10, "is located" should read --rotates-- and "and rotates" should read --in synchronism--. On page 9, line 5, "where" should read --whereby--. On line 24, "where" should read --wherein--. On line 25, "the" should read --a--. Appropriate correction is required.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kopfli discloses modulating an intrusion detecting beam to discriminate against ambient light. The remaining references are directed to alarms warning of presence in a dangerous area.

Art Unit: 2736

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glen Swann, whose telephone number is (703) 305-4384. He can normally be reached Monday through Thursday from 7:30 AM to 5:00 PM. He is also available on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, his supervisor, Jeffrey Hofsass, can be reached at (703) 305-4717.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist at (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Of faxed to:


(703) 308-9051 (for formal communications intended for entry)

Or:

(703) 308-6743 (informal or draft communications -- please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth floor (Receptionist).

SWANN:grs
August 26, 1999


**GLEN SWANN
PRIMARY EXAMINER**